

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:20-cv-00033-FDW**

DESMOND JEREL MOORE,

Plaintiff,

vs.

TIMOTHY CARLSON,

Defendant.

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ORDER

THIS MATTER is before the Court on initial review of Plaintiff's Complaint. [Doc. 1].

I. BACKGROUND

Pro se Plaintiff Desmond Jerel Moore ("Plaintiff") is an inmate of the State of North Carolina currently incarcerated at Alexander Correctional Institution in Taylorsville, North Carolina. Plaintiff filed this action on March 9, 2020, pursuant to 42 U.S.C. § 1983, against Defendant Timothy Carlson, identified as a psychologist employed by the North Carolina Department of Public Safety (NCDPS) in Raleigh, North Carolina. Plaintiff claims that while he was incarcerated at Warren Correctional Institution, in Norlina, North Carolina, and Harnett Correctional Institution, in Lillington, North Carolina, he was improperly treated for mental health issues by Defendant Carlson. [Doc. 1 at 3-4].

II. DISCUSSION

In an action arising under 42 U.S.C. § 1983, venue is established by 28 U.S.C. § 1391(b). It provides that a civil action may be brought in: (1) a judicial district where any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial

part of property that is the subject of the action is situated, or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action. 28 U.S.C. § 1391(b).

Therefore, Plaintiff's action may be heard in a venue where Defendant Carlson resides, or in the venue where a substantial part of the events or omissions giving rise to Plaintiff's claim occurred, which is the Eastern District of North Carolina. Pursuant to 28 U.S.C. § 1406(a), the Court may dismiss this action, or, if it is in the interest of justice, transfer this action to the United States District Court for the Eastern District of North Carolina. The Court will transfer this action to the Eastern District of North Carolina.


III. CONCLUSION

For the reasons stated herein, the Court transfers this action to the Eastern District of North Carolina.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's action is transferred to the Eastern District of North Carolina.
2. The Clerk is instructed to terminate this action.

Signed: March 14, 2020


Frank D. Whitney
Chief United States District Judge 